



MEETINGS RESCHEDULED TO INCORPORATE NEARLY 1,000 PUBLIC COMMENTS

Council to Hold Special Meeting on June 16

The Delta Stewardship Council agreed to alter its upcoming meeting schedule to accommodate the inclusion of valuable public comments into its fourth staff draft Delta Plan.

In order to do so, the Council will not meet on May 26 and 27, as originally scheduled. Instead, the Council will reconvene in June.

"We've received almost 1,000 comments now and many of them are very good. We need time to go through all of these comments before we write the fourth staff draft," Council Executive Officer Joe Grindstaff said.

The fourth draft is expected to be released on June 13. The Council will then hold a special one-day meeting on Thursday, June 16 to discuss big-picture questions about the scope and role of the Council and the Delta Plan with one another and members of the public.

"We need more time just to talk about the hard, thorny issues and listen to each other. What are we trying to achieve with this plan? Who are we trying to be? We need time to reflect," Council member Felicia Marcus said.

THROUGH - JUNE 13	Staff to incorporate Council direction and public comments received to date into fourth staff draft of Delta Plan
MONDAY, JUNE 13	Staff to post fourth staff draft of Delta Plan for review
THURSDAY, JUNE 16	Council meeting: Special one-day meeting to discuss broad issues about fourth staff draft
THURSDAY AND FRIDAY, JUNE 23-24	Council meeting: Action to revise fourth staff draft of Delta Plan and to circulate Programmatic Draft EIR based on revised draft

For more information about meeting dates and locations, please [click here](#).

COUNCIL FOCUSES ON THIRD STAFF DRAFT DURING MAY MEETING

Working through problem statements, policy principles and recommendations, and performance measures, the Delta Stewardship Council completed a meticulous review of the third draft Delta Plan over four days of meetings in April and May.

The Council worked through all nine chapters of the staff draft in great depth and offered valuable insight on issues such as: the scope and goal of the plan, adaptive management, governance, water supply reliability, water quality, the Delta ecosystem and the Delta as a unique cultural place, among others.

When adopted by the Council in final form in November, the Delta Plan will be a legally enforceable document that will guide state and local agencies to achieve the coequal goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem.

In order to create it, Council staff will complete five drafts before the Draft Environmental Impact Report (EIR) is completed by the end of June.

The first staff draft presented findings. The second draft provided recommendations and regulations. The third draft has blended the two while adding context, examples and historical background information in each chapter.

"Council staff will complete five drafts (of the Delta Plan) before the Draft Environmental Impact Report (EIR) is completed by the end of June."

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COUNCIL IMPROVES ITS COMPREHENSION OF COVERED ACTIONS

The Delta Stewardship Council is closer to understanding and clarifying a complex piece of the Delta Plan...covered actions.

Covered actions were created by the Legislature to be part of the Delta Plan. The third staff draft, which was released Apr. 22, offered the best description to date of covered actions. Then, at its April meeting, the Council received legal guidance from its consulting attorney, processed research and insight from staff and listened to public input to ultimately help them better understand and explain those components.

According to statute, a covered action is any plan, program or project that fits the definition of a project under the California Environmental Quality Act (CEQA) and meets the four criteria specified in the Delta Reform Act. Those four criteria are:

- It (the plan, program, or project) will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh;
- It will be carried out, approved, or funded by the state or a local public agency;
- It is covered by one or more provisions of the Delta Plan; and
- It will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property and state interests in the Delta.

The Council directed staff to offer more examples of what covered actions are, exemptions of covered actions and to enhance a graphic that is an integral part of the explanation.

With so many possible aspects and scenarios, determining and defining covered actions is a difficult

“The statute [the Delta Reform Act] determines what a covered action is.”

**Council Chair
Phil Isenberg**

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COUNCIL DISCUSSES BDCP PROGRESS

Representatives from the Natural Resources Agency and the Contra Costa Water District say the Bay Delta Conservation Plan (BDCP) process will be more open and transparent – including the development of alternatives for a water conveyance in the Delta.

At the April meeting of the Delta Stewardship Council, Karla Nemeth, Natural Resources Agency program manager for the BDCP, explained the new engagement plan for completing the BDCP and the broader public and stakeholder participation goals.

“The big challenge BDCP is facing is its program’s complexity and varying stakeholder interest,” Nemeth stated. “We must move in a transparent way.”

Her presentation was important to the Council because if the completed BDCP meets the requirements of Water Code section 85320, including the approval by the Department of Fish and Game as being a natural community conservation plan, and the approval of the federal Endangered Species Act as being a habitat conservation plan, it must be included into the Delta Plan as mandated by the Delta Reform Act of 2009.

Nemeth further defined the goals and purpose of the BDCP by saying the new process will include holding work groups with up to 12 stakeholders to help address specific issues that must be resolved before a draft BDCP can be completed.

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Courtesy of the Department of Water Resources

THE NEW BDCP PROCESS WILL BE MORE OPEN AND TRANSPARENT - INCLUDING THE DEVELOPMENT OF ALTERNATIVES FOR WATER CONVEYANCE IN THE DELTA, ACCORDING TO REPRESENTATIVES FROM THE NATURAL RESOURCES AGENCY AND THE CONTRA COSTA WATER DISTRICT.

Council Member Brings Multiple Perspectives to the Delta

By anyone's estimation, Don Nottoli is an active public servant. Aside from sitting on the Delta Stewardship Council, he is also chair of the Delta Protection Commission (by statute the chairmanship offered him an automatic seat on the DSC). And if that weren't enough, he is a Sacramento County Supervisor representing more than 700 square miles of the county's Fifth District, including the cities of Elk Grove, Galt, Isleton, Rancho Cordova, parts of Sacramento – and much of the Sacramento-San Joaquin Delta.



Photo courtesy of the Delta Stewardship Council

Don Nottoli

Delta Stewardship Council member

"In representing the district that encompasses the Delta, I've certainly come to appreciate the many different ways, the many different people and the many pursuits that people apply to life in the Delta," Nottoli said, who spent 16 years working for his predecessor on the Sacramento County Board of Supervisors before he was elected in 1994.

Nottoli says representing this specific geography is at the heart of what he does best. He believes that from the creation of the Commission, and now with the Delta Stewardship Council, there is a history of advocacy for local representation in the region, and he intends to meet that challenge.

"It's going to be really important to keep in mind as we're working on a (Delta) Plan, working together as a Council and with staff and consultants and the various interested parties that the Delta be a special place," Nottoli said. "Where these activities take place is also where people live – how do we protect and preserve that for generations to come?"

Though the DSC stands to offer some of the greatest statewide significance for Nottoli, his local representation extends to myriad local and regional agencies. For instance, he sits on the Sacramento Employment and Training Agency, the Sacramento Transportation Authority, the Sacramento Area Flood Control Agency, and the Sacramento Regional Transit District Board as well as the

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"This is the first time you get to see all the elements, if not working perfectly together, in one place at one time," Council Chair Phil Isenberg said.

Thanks to specific guidance from Council members, the Delta Independent Science Board, water experts and members of the public, the third staff draft is a more comprehensive document that is much more reader-friendly.

"This is certainly an improvement from the second iteration [of the staff draft Delta Plan]. I think the readability is much better," Council member Gloria Gray said. "I was able to read and understand it even though I don't have a historical background in water."

That said, there is still much to be done, said Executive Officer Joe Grindstaff. The fourth staff draft will reflect the Council's direction and consider more than 1,000 comments submitted by stakeholders, state and federal agencies, and other interested parties.

The Council will review and revise the fourth staff draft of the Delta Plan during three public meetings in June, scheduled for June 16 and 23-24. The June 16 meeting will provide Council members a forum to discuss big issues of the plan with one another and the public.

On June 23-24, the Council will evaluate the fourth staff draft of the Delta Plan and make revisions before circulating for EIR recommendations. A fifth staff draft is then scheduled to be released on June 30, concurrently with the draft EIR.

To view all the drafts of the Delta Plan, please click [HERE](#).

To view upcoming meeting notices and materials, please click [HERE](#).



THE COUNCIL WORKED THROUGH ALL NINE CHAPTERS OF THE THIRD STAFF DRAFT DURING FOUR MEETINGS IN MAY AND APRIL. THE COUNCIL WILL REVIEW AND REVISE THE FOURTH STAFF DRAFT OF THE DELTA PLAN DURING THREE PUBLIC MEETINGS IN JUNE, SCHEDULED FOR JUNE 16 AND 23-24.

Covered Actions, Continued from Page 2

assignment, but Council Chair Phil Isenberg reminded his colleagues what they are truly being asked to do.

“The statute [the Delta Reform Act] determines what a covered action is,” Isenberg said. “The Delta Plan is in pursuit of the coequal goals and the objectives. And to the extent that a covered action determined by statute might impact the Delta Plan and otherwise meet the test of law, then we’d hear it.”

Chief Counsel Chris Stevens, added that other groups will be responsible for these decisions.

“The ultimate determination of whether or not a proposed project is a covered action rests with the proponent, the state or local agency,” Stevens said. “That’s the way the statute’s drafted...we are not the ultimate decision maker...but we’d be happy to work with agencies to figure it out and give our advice.”

Simply put, covered actions require consistency with the Delta Plan. According to the statute, only those seeking to initiate a covered action are required to comply with the regulatory aspects of the Delta Plan. While the statute is clear about the Council’s role regarding covered actions, there are still lots of questions about what they are. One example of a covered action is a water transfer that goes through the Delta.

Council member Don Nottoli is concerned that what he called “ministerial actions” (laws requiring the following of instructions without the power to exercise any personal discretion in doing so) will cause confusion among cities and counties because they are difficult to define.

“If we have to create another bureaucracy or more paperwork at the local level, that doesn’t serve any of us well,” Nottoli said.

Executive Officer Joe Grindstaff agreed, saying, “We have to make sure we simplify the process. That’s one of the concerns we all have.”

The Delta Plan will contain both policies and recommendations to further the coequal goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem.

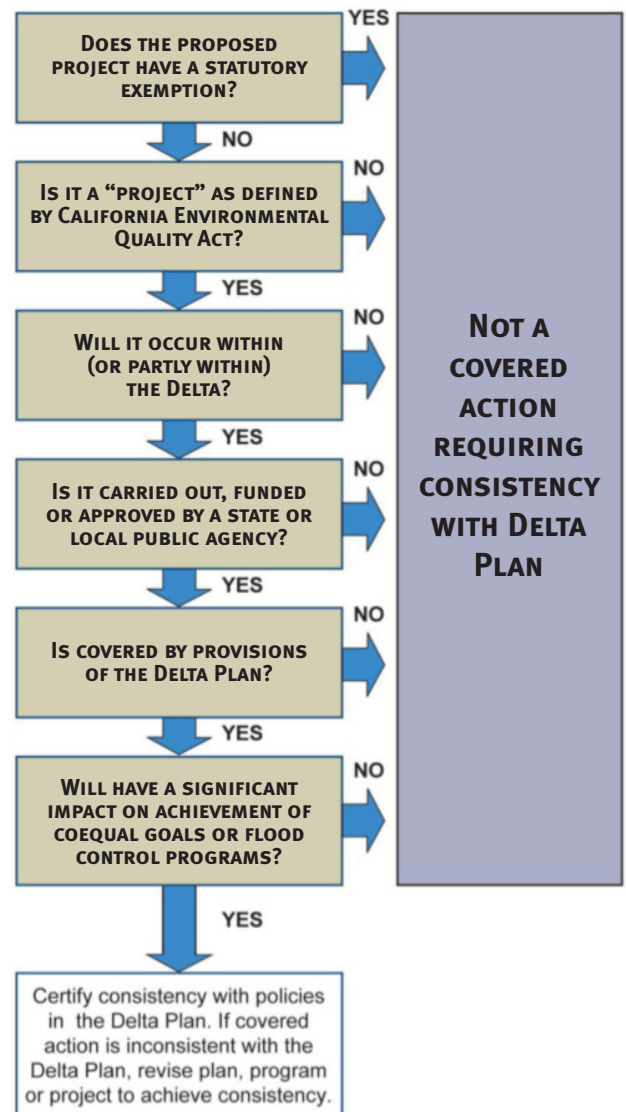
In general, policies establish rules that apply to state and local agency plans, programs and projects that occur at least in part within the Delta and meet other specified criteria. These are the “actions” that are covered by the Delta Plan. Recommendations are made either to the Legislature and/or other state agencies for actions only they have the authority to implement under the Delta Plan.

But there are situations that require the Council’s review. In most cases, the Plan functions as a strategic document for guidance and recommendations, but in some instances, state or local agencies attempt to take actions that are “covered.”

The group that attempts to carry out, approve or fund a covered action needs to certify the consistency of the action with the Plan and files a certificate with the Council. The fourth draft Delta Plan will be released on June 13. To view the earlier drafts, please click [HERE](#).

To view the Frequently Asked Questions about covered actions, please click [HERE](#).

DECISION TREE FOR STATE AND LOCAL AGENCIES ON POSSIBLE COVERED ACTIONS



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THIS CHART SHOWS THE STEPS IN IDENTIFYING A COVERED ACTION. AGENCIES RETAIN FLEXIBILITY IN HOW TO MEET THESE RESPONSIBILITIES FOR COVERED ACTIONS WITHIN THE PARAMETERS OF OTHER LEGAL AUTHORITIES.

BDCP, Continued from Page 2

The first phase of workgroups, she said, will address issues pertaining to biological goals, habitat restoration, governance structure and in-Delta water quality modeling. Progress made by the BDCP work groups will be presented during plenary and public meetings for all interested parties and the general public. Council member Randy Fiorini was complimentary of the new approach.

“I like the working group approach to focus on a particular issue in a smaller setting and then bring it to the public for review,” Fiorini said at the Council’s April meeting.

Referencing BDCP studies, Greg Gartrell, assistant general manager from Contra Costa Water District, reported on water conveyance alternatives that he said should be considered, including a tunnel option because of the Delta’s high seismic risks to existing levees.

“There is a 99 percent chance of a magnitude 6.7 seismic event in the Bay Area occurring in the next 30 years,” Gartrell said. “There is no way we want to build up levees high enough to create a canal when our existing system is at such great risk.”

Gartrell further expressed that he didn’t know if a canal would improve the Delta ecosystem in the long term. But, he believes the construction of one in the short term could worsen the ecosystem up to and including the Delta smelt’s food supply, its water temperature and problems with predation.

“We have a long time to deal with long term fixes” Gartrell said. “In the short term, we need fixes real quick.”

Nemeth and Gartrell said the BDCP is expected to be completed in 2014.

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**Council Member
Randy Fiorini**

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Sacramento Metropolitan Air Quality Management District Board, the Freeport Regional Water Authority Board, the Sacramento Valley Basinwide Air Pollution Control Council, the Sacramento County Mental Health Board and the Sacramento Public Library Authority Board. In other words, he is one busy guy.

Some of those local positions offer Nottoli a unique perspective with his role on the Delta Stewardship Council. In fact he says one of his goals is working with the DSC staff to see that the economic sustainability plan currently being developed by the Delta Protection Commission is considered as part of the Delta Plan.

“We’re taking a thorough look at the socioeconomic activities in the Delta...and, more broadly, regional impacts and relationships to the economy and future vitality of the towns,” he said. “It’s an evolving place – what will be sustainable? What will communities need to remain prosperous and make the vitality of the future?”

So the next time you ask Council member Don Nottoli how things are going, make sure to be specific as his responsibilities extend far and wide, and don’t appear to be diminishing anytime soon.

SNAPSHOTS OF THE DELTA

Courtesy of the Department of Water Resources



Courtesy of the Department of Water Resources

please visit our website
deltacouncil.ca.gov